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DAILY AND SEMI-WEEKLY.

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THURSDAY, APRIL 5, 1900.

By the way, why cannot the old reservoir near the Nuanu tram car terminus be utilized during the dry spell? People are now permitted to bathe in Kapena pool, but that would be easily tabooed. Kapena pool has quite a fine supply of water, and there seems no good reason why it should not be made use of during the terrible dry spell we now have upon us.

The death of Hoapili Baker removed a prominent Hawaiian, who was a strong supporter of the monarchy. He was a leading officer of the Household troops under Kalukaua, and for a time was governor of Maui. Colonel Baker claimed descent from a long line of chiefs. Of late years he has lived in retirement. Inexorable time is gradually lying aside the men who played prominent parts during the seventies and eighties.

The report of the committee of the Council of State upon the Court of Claims is a stinging one, and it looks as if there was no other course for the members of the court left than to resign. The remarks upon remuneration and the contrast between the cost of a legislative session and the proposed cost of the Court of Claims was very keen and cutting. There is no doubt that the Court of Claims as at present constituted, is thoroughly unsatisfactory to the people most interested in its workings.

Consul General Haywood has worked for the island captains to good purpose when the qualifying clause in the rules and regulations of the Board of Supervising Inspectors of Steam Vessels was made to apply to Hawaii. The Hawaiian inter-island trade would have lost the services of several very valuable men, had the clause not applied to the islands. Consul General Haywood has fulfilled his duties towards the seafaring population very ably, and has established a record of fairness and firmness in a very arduous task.

A DILEMMA.

There seems to be discrepancy between the "Executive order" signed by President Dole, and the "Public Notice" signed by the President and members of the court of claims. The "Executive order" reads:

"The Court of Commissioners to take evidence of losses caused by the burning of Chinatown in Honolulu and to make awards and judgments on such losses shall consist of a presiding member and four associate members, as hereinafter appointed."

The "Public Notice" of the court of claims reads:

"Public notice is here given that the court of claims for losses caused by the Board of Health in the suppression of bubonic plague having been duly appointed, commissioned and sworn, will hold a session at its courtroom in the Judiciary building in Honolulu on Wednesday, the 4th day of April, A. D. 1900, at 2 o'clock in the afternoon, and daily at the same hour until further notice (Sundays and holidays excepted)."

The "Executive order" says "the Court of Commissioners to take evidence of losses caused by the burning of Chinatown in Honolulu," whatever the boundaries of Chinatown may be.

The "Public Notice" says "for losses caused by the Board of Health in the suppression of bubonic plague" which is wider than the vague definition "Chinatown."

The two public statements are contradictory and need elucidation by the authorities. Is the court of claims only going to look after "losses caused by the burning of Chinatown," or is the court going to adjudicate for "losses caused by the Board of Health in the suppression of bubonic plague." The latter is so wide a field that one almost stands aghast at its far reaching possibilities. Who authorized the latter publication?

THE CHINESE.

"Wherever Chinese revolutionary cliques gather murder follows," says a contemporary. There seems to be no reason why it should not, if the Empress Dowager of China puts a premium on murder. It is not the reforming societies that are offering money for heads, but it is her serene highness who does.

The Chinese of Honolulu are a progressive people. Of the better class of Chinese a very large number have had their children educated in our schools, and many of them speak English fluently. There have been Chinese societies here for years, certainly for thirty years, and there never has, during that time, been any war of the "tongs," or any highbidding acts perpetrated. They have lived peaceably in our midst, and why should they so suddenly be charged with being "highbidders," does not seem very clear.

The Chinese of Honolulu differ very

much from the Chinese of San Francisco. There has never been anything like the holocaust of crime here, which has run riot in the Chinatown of the latter city. But it can easily be understood that any one who has been accustomed to San Francisco Chinese, will not readily understand the Hawaiian Chinese. The latter have always been extremely quiet and orderly. They are not nearly so addicted to crimes of violence as the Japanese. True, they gamble—it is a national vice—but then a great many white men gamble. True, also, they smoke opium, which is against the law. But the crime of smoking opium is one which is committed against themselves. And the opium smoking habit can be offset against the drinking habits of the western man.

But the Chinese of the better class have always proved themselves good citizens here. They have always been ready to assist their western brethren when charitable subscriptions are going round. When money was raised for the entertainment of the volunteer troops who passed through on their way to Manila, the Chinese merchants voluntarily came forward with a handsome subscription. On their festivals they have liberally entertained their western friends; in fact, more liberally than their western friends have entertained them. They have availed themselves of their opportunities for educating their children according to western methods.

It certainly does not seem likely that these people are suddenly going to break forth into crime and murder. Nor does it seem just to speak of Leung Chi-tao's speeches for the reform of his country's government as "political rantings." There were speeches made by William Henry which the British officials of the time styled "political rantings," but the verdict of his contemporaries and of posterity is that they were noble sentiments, magnificently expressed. That the government of China is corrupt is a world-wide fact. But because the official class is corrupt is no reason to say that all Chinese are corrupt. There are Chinese with high ideals of government and it is these, and not the officials, that should have our sympathy.

WHY?

When the personnel of the court of claims was announced, The Star took occasion to point out that at least two of the appointments should have gone to business men, with the understanding that men of the requisite caliber would be willing to serve. The Chamber of Commerce has voiced in strong terms what The Star suggested. A most representative meeting, attended by more members than ordinary, objects to the appointments on the court of claims. The meeting desires that some business men should be on the court, and the contention seems to be eminently just.

A conversation with one of the Ministers a few days ago comes up in point. The reason advanced was that the business community could be called up to give expert evidence, whenever it was required. This is certainly a very extraordinary attitude. The lawyers were to be paid at a certain rate a day, and the business men could be called upon to give up their time, for no remuneration, to supplement the legal rulings.

A letter which appeared yesterday in these columns shows the legal aspect of the case. It showed temper on behalf of the profession, and suggested a court of claims composed entirely of business men, with a sneer that they would make a mess of it. But why should lawyers claim omniscience? How many of the gentlemen on the "Court" have any knowledge of mercantile values beyond the most perfunctory, and it cannot be said that any single member is a very leading lawyer, though all may be and no doubt are bright and brilliant.

That the mercantile community should "kick" is no wonder. Whatever the value of "expert" testimony may be—and the more one sees of trials, the less one believes in its value—what the business community wanted was a representation upon the Board itself, where the voice would have been of some avail, backed by argument. But in expert testimony only a certain line of question and answers is developed, and a brilliant lawyer, by adroit questioning, may make a person say, as Swift's Huhnyhams worded it, "the thing that is not." That is an expert witness may be so badgered according to legal ethics that he is made to appear to say what he does not mean to say. Of course there is great skill in this, but the morality is more than doubtful.

What was wanted, what is wanted, is a thoroughly competent court of claims. Undoubtedly there will be claims which will have to be rejected. But are the lawyers more fitted to weigh the value of the claim, than a business man whose whole time is taken up in figuring upon values, and methods of increasing profits.

The necessity of able legal talent on the court of claims is self-evident, but so also is the necessity of able mercantile talent. What would be the outcry from the bar if only business men had been appointed on the court of claims, and the bar had only been called upon to give expert testimony upon the cases coming up. The bar would have arisen as one man, and denounced what it considered as a slur upon its honor and its integrity, and would straightway have decided to watch the iniquities of mercantile side.

To The Star the action of the merchants in the Chamber of Commerce is both patriotic and timely. Not to have spoken out on so vital a question is fatal. This time the merchants have decided to take time by the forelock.

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